IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.549 OF 2007

Mr.Vivek Parihar ...Petitioner

Versus

Synergy Log-in Systems Ltd. ...Respondents

.....

Mr.Manoj Prajapati i/b Mohit Gadkari & Co. for Petitioner.

Mr.A.R.Maurya i/b SRS Legal for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

DECEMBER 12, 2007.

P.C.

1. Heard Counsel for the parties. Perused the pleadings and documents on record.

2. The Petitioner's claim is for outstanding remuneration payable by the Respondent Company in the sum of Rs.2,53,078/- (Rupees Two Lakhs Fifty-three Thousand Seventy-eight). The fact that this Petitioner left the service of the Respondent

Company on 1st January 2004, is not in dispute. It is also obvious that the Respondent made part payment of Rs.25,000/- (Rupees Twenty-five Thousand) on 12th January 2005 and assured to pay the balance amount.

3. Reverting to the claim of the Petitioner, except mentioning the figure of Rs.2,53,078/- (Rupees Two Lakhs Fifty-three Thousand Seventy-eight) neither in the statutory notice nor in the Company Petition filed, break-up has been furnished. Obviously, it is not the case of the Petitioner that the monthly salary has not been paid to the Petitioner. The Petitioner claims some other benefits in respect of which the Petitioner is entitled for sum of Rs.2,53,078/- (Rupees Two Lakhs Fifty-three Thousand Seventy-eight).

4. The Respondent, on the other hand, has disputed that claim but accept that the Petitioner would be entitled for only sum of Rs.40,000/- (Rupees Forty Thousand) though the Petitioner’s claim towards reimbursement of certain expenses for that head was of Rs.45,000/- (Rupees Forty-five

Thousand).

5. In my opinion, as the Petitioner has not been able to provide the break-up for the claim of Rs.2,53,078/- (Rupees Two Lakhs Fifty-three Thousand Seventy-eight), no relief can be granted to the Petitioner, except to direct the Respondent to forthwith pay the sum of Rs.40,000/- (Rupees Forty Thousand) to the Petitioner not later than one week from today and produce acknowledgement of payment in the Registry, failing which, the Company Petition shall stand admitted on the assumption that the Respondent has failed and neglected to pay the outstanding dues.

6. In the event, the Respondent pays the amount of Rs.40,000/- (Rupees Forty Thousand) to the Petitioner within specified time, the Petition to stand disposed of. Insofar as further amount claimed by the Petitioner, it will be open to the Petitioner to take recourse to such other remedy as may be permissible by law, as the Respondent has raised bonafide dispute regarding liability to pay any further amount to the Petitioner.

7. In the event, the Respondent fails to pay the amount as specified, Petition shall stand admitted without further reference to the Court, in which case, Petitioner will be free to proceed with publication and advertisement of the admission of the Company Petition in Free Press Journal, Maharashtra Times and Maharashtra Government Gazette. The Petitioner to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) with the Registrar (O.S.)/Prothonotary & Sr.Master of this Court within a period of four weeks from the date of admission of the Petition.

. Ordered accordingly.

A.M.KHANWILKAR, J.